

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NORTH CAROLINA  
3 WESTERN DIVISION

4 UNITED STATES OF AMERICA )  
5 )  
6 V. ) 5:15-CR-363-1D  
7 )  
8 SHAMIEKA GOODALL )  
9 )  
10 ----- )

11 SENTENCING HEARING  
12 JUNE 6, 2017  
13 BEFORE THE HONORABLE JAMES C. DEVER III  
14 CHIEF UNITED STATES DISTRICT JUDGE

15 APPEARANCES:

16 On Behalf of the Government:

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20 On Behalf of the Defendant:

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25 United States District Court  
Raleigh, North Carolina  
Stenotype with computer-aided transcription

1 (Tuesday, June 6, 2017, commencing at 9:50 a.m.)

2 P R O C E E D I N G S

3 THE COURT: Good morning, Mr. Chetson, Mr.  
4 Hiltzheimer and Ms. Goodall.

5 Is the defense ready to proceed?

6 MR. CHETSON: We are, Your Honor.

7 THE COURT: Good morning, Mr. Duffy and Ms. Cooley.  
8 Is the Government ready?

9 MR. DUFFY: Yes, Your Honor.

10 THE COURT: At this time, I'd ask that Ms. Goodall be  
11 sworn or affirmed.

12 (The defendant was duly sworn.)

13 THE COURT: Ms. Goodall, do you understand that  
14 having been sworn, that your answers to my questions are  
15 subject to the penalty of perjury, ma'am?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Have you taken any kind of medicine or  
18 any other substance in the last 48 hours that would affect your  
19 ability to hear and understand these proceedings?

20 THE DEFENDANT: No, sir.

21 THE COURT: Do you know why you're here today?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Mr. Chetson, do you have any reason to  
24 doubt Ms. Goodall's competence going forward today?

25 MR. CHETSON: No, Your Honor.

1           THE COURT: Does the Government have any reason to  
2 doubt Ms. Goodall's competence going forward today?

3           MR. DUFFY: No, Your Honor.

4           THE COURT: Based on Ms. Goodall's answers to my  
5 questions, my observations of Ms. Goodall, and the answers from  
6 counsel, I find that Ms. Goodall is competent to go forward  
7 here today.

8           Ms. Goodall, you're here today having been convicted  
9 by a jury of two charges: Conspiracy to commit violations of  
10 the kidnapping statute and kidnapping and aiding and abetting.  
11 A jury convicted you of those offenses earlier this year.

12           In light of some cases from the Supreme Court of the  
13 United States, including the *Booker*, *Rita*, *Gall*, *Kimbrough*,  
14 *Spears* and *Nelson* cases, the guidelines are no longer  
15 mandatory; they're advisory.

16           Nevertheless, in accordance with those cases and  
17 numerous cases from the Fourth Circuit interpreting those  
18 cases, including the *Carter*, *Pauley*, and *Evans*, a sentencing  
19 Court still must take into account the now-advisory guidelines.

20           The Court does this by initially making findings of  
21 fact and calculating an advisory guideline range. The Court  
22 will then consider any motion that might be made that might  
23 move that range either up or down. I'll then consider all  
24 arguments that your lawyers make, both here in court and ones  
25 they already made on your behalf in the sentencing memorandum

1 they submitted, any statement you'd like to make, any victim  
2 allocution, and the arguments of the Assistant United States  
3 Attorney. I'll then determine your sentence and announce it  
4 here in court today. That'll be the process we'll follow  
5 today.

6 Mr. Chetson, did you receive a copy of the  
7 presentence report?

8 MR. CHETSON: We did, Your Honor.

9 THE COURT: Ms. Goodall, did you receive a copy of  
10 that report?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Did you speak with your lawyers about  
13 that report?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: At this time, the Court directs that the  
16 presentence report be placed in the record under seal.

17 In accordance with Rule 32 of the Federal Rules of  
18 Criminal Procedure, the Court accepts as accurate the  
19 presentence report, except as to matters in dispute as set  
20 forth in the addendum.

21 I have reviewed the entire report, including the  
22 addendum. The addendum does contain numerous objections.

23 Ms. Goodall, you may have a seat while we work our  
24 way through these.

25 Mr. Chetson, Mr. Hiltzheimer, do you want to be heard

1 on them?

2 MR. CHETSON: I don't need to be heard on them.

3 THE COURT: Does the Government want to be heard?

4 MR. DUFFY: No, Your Honor, not on the objections.

5 THE COURT: Okay. All right. I'm going to -- for  
6 purposes of completeness, and again, in looking at the letter,  
7 I'm going to go ahead and rule on them.

8 Obviously, there are numerous factual objections that  
9 are overruled. The Court does think by preponderance of  
10 factual description the PSR is accurate. To the extent there  
11 were specific objections to certain enhancements, I will rule  
12 on those now.

13 The first objection is a six-level offense  
14 enhancement under Section 2A4.1(b)1 for ransom demand or demand  
15 upon the Government. Section 2A4.1(b)1 applies "If a ransom  
16 demand or demand upon Government was made."

17 The guidelines do not define the term "ransom" but  
18 the Fifth Circuit has adopted the Merriam Webster definition  
19 that ransom is "Consideration paid or demanded for the release  
20 of someone or something in captivity." *The United States v.*  
21 *Fernandez*, 770 F.3d, 340, 343 (5th Cir. 2014). This is  
22 essentially the same definition that Black's Law Dictionary  
23 contains.

24 The text message demanded that Stephanie, who was  
25 Melton's state defense attorney, buy a pack of Newport

1 cigarettes, unwrap them and smuggle them into prison and that  
2 Stephanie and another person should correct the error of  
3 imprisoning him and fix this problem or else we'll start  
4 killing you family and we'll start with you father. The text  
5 messages then clarified if you follow my instructions and  
6 everything go good, we let your father go.

7 In context, the Court finds that the text message is  
8 clearly demanding consideration for the safe return of  
9 Mr. Janssen.

10 The Court also finds in the alternative that the text  
11 message represented a demand on the Government. The text  
12 message asked the Assistant District Attorney to fix the  
13 problem of Melton's supposedly unjust imprisonment. The record  
14 shows that the timing of the text messages and kidnapping  
15 around April 7, 2014, suggested that the kidnapping was  
16 motivated by deadline for filing a petition for discretionary  
17 review with the Supreme Court of North Carolina. The deadline  
18 was April 22nd, 2014.

19 Section 2B1.1B provides that acts taken within the  
20 scope or jointly undertaking criminal activity and furtherance  
21 of that criminal activity are to be considered.

22 Here, the Court does find that this conduct was  
23 reasonably foreseeable in connection with the criminal activity  
24 for which the defendant has been convicted, therefore, the  
25 enhancement applies.

1           The Second Circuit recently applied the standard  
2 enhancement in a case called *U.S. v. Acevedo*, 824 F.3d 179, 185  
3 (2nd Cir. 2017). So that objection is overruled.

4           Section 2A4.1(b) (2) (A) provides a four-level  
5 enhancement if the victim sustained permanent or  
6 life-threatening bodily injury.

7           Permanent or life-threatening injury means injury  
8 involving a substantial risk of death, loss or substantial  
9 impairment of the function of a bodily member or mental faculty  
10 that is likely to be permanent or an obvious disfigurement that  
11 is likely to be permanent.

12           In the case of kidnapping, for example, maltreatment  
13 to a life-threatening degree, e.g., by denial of food or  
14 medical care would constitute life-threatening bodily injury.  
15 See the commentary to the guideline.

16           The definition is disjunctive, it encompasses both  
17 severe injuries that may not be permanent and permanent  
18 injuries that may not be severe so long as the injuries are  
19 substantial. See *United States v. Price*, 149 F.3d 352, 354,  
20 (5th Cir. 1998).

21           Here, the -- certainly the depravation of food and  
22 water to the point Mr. Janssen hallucinated from dehydration  
23 was maltreatment to a life-threatening degree and the blood  
24 clot and permanent scars that Mr. Janssen sustained constitute  
25 direct degree of substantial injuries.

1           Again, the Court does find that these activities were  
2 taken within the scope of jointly undertaking criminal activity  
3 and in furtherance of that criminal activity, the Court finds  
4 that the horrific maltreatment of Mr. Janssen was reasonably  
5 foreseeable in connection with this criminal activity in light  
6 of Ms. Goodall's conduct; therefore, the enhancement applies.  
7 See generally, *U.S. v. Acevedo*, 824 F.3d, 179, 185 (2nd Cir.  
8 2017), *United States v. Davis*, 19 F.3d 166, 171 (5th Cir.  
9 1994).

10           I do find that she knew of this horrific maltreatment  
11 given her role in the kidnapping and her connection with the  
12 kidnapers, including Melton, Maynard and Martin and others.

13           Paragraph 87, probation applied a two-level  
14 enhancement under Section 2A4.1(b)(3) for the use of a  
15 dangerous weapon. The enhancement applies if a firearm was  
16 discharged or a firearm or dangerous weapon was otherwise used  
17 as those terms are defined in the guidelines.

18           Section 2A4.1 Comment Note 1 states that a dangerous  
19 weapon is an instrument capable of inflicting death or serious  
20 bodily injury or an object that is an instrument capable of  
21 inflicting death or serious bodily injury but closely resembles  
22 such an instrument, or the defendant used the object in a  
23 manner that created the impression the object was such an  
24 instrument. Comment Note 1(D) to Section 1B1.1.

25           A dangerous weapon is otherwise used if it is not



1 discharged but was used beyond mere brandishing, displaying, or  
2 possessing. *United States v. Young*, 87 F.3d 1310, the Fourth  
3 Circuit held that a stun gun used to incapacitate or threaten  
4 victims or bystanders would qualify as a dangerous weapon under  
5 the guidelines. See also *United States v. Quiver*, 805 F.3d  
6 1269, 1272-1273 (10th Cir. 2015) and *U.S. v. Allen*, 561 F.3d  
7 364, 375-376 (6th Cir. 2008).

8 Here, the defendant's co-conspirators used the taser,  
9 stun gun on Mr. Janssen to incapacitate him in his home. He  
10 also was struck on the head with the butt of a firearm. He  
11 also was tased repeatedly in the car.

12 This conduct qualifies under the guidelines and was  
13 within the scope of jointly undertaking criminal activity and  
14 in furtherance of that criminal activity.

15 In light of the evidence presented at trial, this  
16 Court finds that the conduct was reasonably foreseeable to  
17 Goodall that the co-conspirators engaged in this kidnapping  
18 would use a dangerous weapon to subdue the kidnapping victim.  
19 See *U.S. v. Acevedo*, 824 F.3d 179, 185 (2nd Cir. 2017), thus  
20 this enhancement applies.

21 There also is an objection to the sixth-level  
22 enhancement under Section 3A1.2(b) for a crime committed  
23 against an official victim that was motivated by the victim's  
24 status because the defendant allegedly lacked knowledge of the  
25 identity of the victim or the fact that the victim was related

1 to a public official or that a public official was the intended  
2 target of a plot.

3 The enhancement applies if the, "Victim was a  
4 Government officer or employee or a member of the immediate  
5 family of a Government officer or employee and the offense of  
6 conviction was motivated by such status. See Section 3A1.2(a)  
7 of the guidelines.

8 The enhancement is a six-level enhancement if the  
9 offense of conviction was an offense against the person, as  
10 that phrase is used in Chapter 2, Part A of the guidelines.  
11 See Section 3A1.2(b) of the guidelines.

12 The guidelines do not define what family members  
13 count as "immediate family". The Court notes that Black's Law  
14 Dictionary defines "immediate family" to include a person's  
15 parents.

16 Mr. Janssen, the victim, was targeted, kidnapped and  
17 held for ransom because he was the father of Colleen Janssen, a  
18 Government official, Assistant District Attorney in Wake  
19 County, thus the objection is overruled.

20 Moreover, the Court does find based on the evidence  
21 presented at trial that Ms. Goodall had the requisite knowledge  
22 and that also this enhancement should apply based on her  
23 knowledge of this fact during the course of the kidnapping.  
24 She certainly knew that that was the DA's father who was being  
25 held.

1           So that objection is overruled.

2           For purposes of *Booker* and its progeny, then, the  
3 Court finds the Total Offense Level to be 43, and Criminal  
4 History Category to be 1, the Advisory Guideline Range to be  
5 life imprisonment.

6           Does the Government object to that advisory guideline  
7 range?

8           MR. DUFFY: No, Your Honor, we do not.

9           THE COURT: With the objections preserved, does the  
10 defense object to that advisory guideline range?

11          MR. CHETSON: No, Your Honor.

12          THE COURT: I'll hear first from Mr. Chetson and Mr.  
13 Hiltzheimer, and then I'll hear from Ms. Goodall, and then I'll  
14 hear any victim allocution and then I'll hear from Mr. Duffy.

15          MR. CHETSON: Yes, Your Honor. I'll be brief. We  
16 filed a sentencing memorandum, which I'm sure Your Honor  
17 viewed.

18          THE COURT: I have.

19          MR. CHETSON: In addition, we filed a report provided  
20 by Cindy Cottle, a forensic psychologist who interviewed our  
21 client on numerous occasions and conducted a series of  
22 psychological examinations of our client.

23          I'll say briefly a couple things about Ms. Goodall  
24 and then turn to the offense conduct.

25          First would be as the report in our sentencing

1 memorandum indicates, Ms. Goodall faced not only a poor  
2 upbringing, but an upbringing characterized by abuse, physical  
3 and sexual abuse, characterized by a lack of connections with  
4 any real family.

5           The report indicates that at a very young age  
6 Ms. Goodall was essentially removed or kicked out of her  
7 mother's -- biological mother's household in light of tensions  
8 and what she perceived as racist conduct by the stepfather.  
9 And that as a result of that, she lived in a number of foster  
10 homes before eventually being adopted by a social worker. And  
11 she was adopted in her early teens by the social worker,  
12 Ms. Marshal Goodman.

13           And following that, given that she had been adopted  
14 at a fairly old age, the relationship between her and her  
15 now-adopted mother was not good.

16           And so several years later she was -- ran away. She  
17 lived for a period of time on the streets in Broward County.  
18 She met a man who was her senior and that either initially or  
19 over time developed into a very abusive relationship. So much  
20 so that she tells us that his mother advised her to get out of  
21 the relationship, to seek help at a woman's shelter because she  
22 might end up dead. She did get out of the relationship.

23           During this time, she was working in legitimate  
24 professions, legitimate jobs as a clerk at convenient stores in  
25 Florida. That was sporadic, however, and she reports also a

1 history of working as an escort. And the report documents  
2 various abuses that she suffered through that conduct. She is  
3 ashamed of that and that took some time for her to reveal to  
4 the psychologist and also to, frankly, us as attorneys.

5 With that having been said, looking for a connection  
6 with her stepbrothers, she moved to Georgia. And what we would  
7 say from the report is that Shamieka, as the test indicates  
8 that Dr. Cottle performed, that Shamieka suffers from a  
9 detachment or a need to feel as part of -- as though she was  
10 part of a community or family.

11 And Your Honor has sat through probably hundreds,  
12 maybe thousands of sentencing involving gang members and knows  
13 that gangs present themselves as a way of providing a community  
14 or a family. It's a false family and a false community, but a  
15 way of providing that to people from very difficult  
16 backgrounds.

17 And we would contend that that's in part what  
18 happened here. Notwithstanding the conduct, the jury found our  
19 client guilty of, that's what happened.

20 Your Honor has also had the opportunity to preside  
21 over Mr. Melton's trial and to hear Mr. Melton testify, to hear  
22 him make statements to this Court and to hear testimony about  
23 how Mr. Melton was a problem in the North Carolina jails where  
24 he was being held pretrial prior to his State trial, and in  
25 North Carolina Department of Corrections, not just with respect

1 to the use of cell phones through that, but through his ability  
2 to attract people into his gang and we would contend that while  
3 to the extent that the jury found that she was a member of this  
4 gang, to the extent there was evidence, that she joined the  
5 gang, that she is responsible for that conduct, but that a  
6 large part of that was driven by Mr. Melton and that her desire  
7 was to find a family or a sense of belonging which she lacked  
8 much of her childhood and that compelled her to join the gang.

9 Now I'd like to move -- I'm not going to say  
10 everything that's in the report because you've had an  
11 opportunity to read that and it's part of the record. But I'd  
12 like to talk a little bit, notwithstanding you overruled our  
13 objections, about the conduct of the other individuals in this  
14 case. I was here for the sentencings and I've seen the  
15 sentencings of Qauntavious Thompson, Tianna Maynard, Jakym  
16 Tibbs and the other individuals who were involved.

17 Your Honor is well-aware having sat through two  
18 trials that from the Government's evidence that Ms. Goodall was  
19 not present during any actual specific conduct; that is, the  
20 very violent beating of Mr. Janssen, violent acts that resulted  
21 in his abduction and the way he was treated, and those are  
22 particularly horrific facts.

23 I've been practicing for about 10 years and they are  
24 the most horrific facts that I've ever seen in a case; that I  
25 personally handled and they are egregious, and we are not

1 trying to gainsay those facts.

2 What we are saying is that Ms. Goodall's conduct was  
3 different in kind from the conduct of the other co-conspirators  
4 who were present physically at various locations where the  
5 conduct happened, who hit and struck Mr. Janssen, who knew  
6 specifically because they were in the home in southeast Atlanta  
7 with him, the conditions he was facing, had the opportunity to  
8 get him food and water and did not do so. Who saw him with his  
9 hand swelled and his body suffering and did virtually nothing  
10 to help him, and then with respect to Mr. Roberts, procure the  
11 pick and the shovel to dispose of the body. Ms. Goodall was  
12 not present.

13 Now, when the Government's evidence and when the  
14 evidence accepted obviously by -- and decided by this jury, but  
15 for Ms. Goodall's conduct as part of the conspiracy, this may  
16 not have occurred or would not have occurred depending on how  
17 you view that conduct, which is that she provided money. And  
18 that when the Government's evidence facilitated the connection  
19 between Jenna Martin and the rest of the conspirators and at  
20 some point during the conspiracy had contact with conspirators  
21 and perhaps assisted them in identifying the locations in  
22 southeast Atlanta. Your Honor of course understands that we're  
23 saying that with respect to what the Government has shown.

24 That having been said, we understand the Court's --  
25 what will be the Government's contention, we expect that, but

1 for her conduct that may not or likely would have not occurred  
2 because providing the money was an important part of what the  
3 Government contended and showed was the conspiracy. That is  
4 different in kind from the conduct committed by the other  
5 individuals.

6 And so we would ask you to sentence Ms. Goodall  
7 consistent with all those principles in 3553(a). And I made  
8 some other sorts of arguments in the sentencing memorandum  
9 about the idea behind general and specific deterrence, which  
10 I'm sure Your Honor is well-aware of. We would contend that  
11 the literature tends to show that confidence in prosecution and  
12 conviction is more important than length of sentence.

13 She understands that having been involved in this  
14 conduct, as the Government has alleged, that she is going to  
15 suffer a very serious sentence today. We would simply ask that  
16 there be a chance at the end of that sentence that she see  
17 daylight.

18 So consistent with the other individuals, we would  
19 ask for a 360-month sentence. That is more than Jenna Martin;  
20 that is, if I'm recalling correctly, similar to Ms. Kramer;  
21 that is less than Tianna Maynard, who engaged in much more  
22 egregious conduct. So we would ask that that sentence be  
23 imposed upon her.

24 We would also ask that in terms of a  
25 recommendation -- we understand that the Court is likely to



1 separate out these defendants in the southeast. We would ask  
2 for a location in the southeastern part of the country. She  
3 doesn't have a specific location in mind, we talked about that.  
4 Southeast of the United States.

5 We would ask for -- as the report indicates, there  
6 was heavy marijuana use, we would ask for drug treatment and  
7 she would also ask for the opportunity to obtain her GED and  
8 any other skills or education available to her in the Bureau of  
9 Prisons.

10 THE COURT: At this time I'll hear from Ms. Goodall,  
11 if you'd like to make a statement, ma'am.

12 THE DEFENDANT: No, sir.

13 THE COURT: I'll hear from Mr. Duffy, I'll hear the  
14 victim allocution, whichever order you want to do it.

15 MR. DUFFY: Your Honor, we have two victims that will  
16 be allocuting. And, of course, victim allocute from Mr. Frank  
17 Janssen and he'll be followed by Colleen Janssen.

18 MR. JANSSEN: Thank you, Your Honor, for this  
19 opportunity. Thank you for all your work, your patience and  
20 your legalese interpretations.

21 It's been more than three years since the kidnapping.  
22 You might think that's both a long time. I know it seems that  
23 way to my family, my extended family and everyone who knows me.

24 However, to me it's like it happened yesterday. The  
25 time I spent in the closet seemed like an eternity. The

1 numbness in my hands and feet are constant reminders along with  
2 the daily tragic events around us, our communities, around the  
3 world. What I went through pales in comparison to those  
4 events, yet they constantly remind me and refresh my memories.  
5 They continue to have a sobering effect on me while at the same  
6 time make me feel extremely grateful. Grateful for the efforts  
7 of law enforcement at all levels. Without each and every one  
8 of them doing their part, I would not be here today.

9           Without the diligence, the thoroughness and  
10 follow-through and the analysis of everything, especially  
11 Stephen Jessup and his crew, we would not be able to bring  
12 justice to all these people who were involved in this crime.

13           And also, finally, without the skills, the  
14 organization and the presentation of this case by Leslie  
15 Coolie, Dennis Duffy, and his staff, we would not be completing  
16 this final phase.

17           I'm not the kind who dwells on the past too much  
18 except to understand it and learn from it. But with this  
19 kidnapping, I am constantly thinking about it, aware of it, and  
20 reminded how quickly things can change. I've had lots of time  
21 to think and rethink about everything. I've had to relive the  
22 excruciating details during each of these trials and it never  
23 got easier.

24           I'm overwhelmed by the impact it had on all my family  
25 and friends as well as all that they've had to endure through

1 it all. I thank them all for their support.

2 I continue to speculate on your motivation, your  
3 actions, your behavior. I don't have a single answer.  
4 Certainly, not one good. Well, one that would justify what you  
5 did.

6 Try as I might, I cannot understand why anyone would  
7 risk losing their freedom, in essence their life, unless for a  
8 greater cause such as God and country, and we have so many in  
9 our military and our first responders that do that to protect  
10 us.

11 So what was your cause? Was it worth your freedom?  
12 Was it the money? The power? The status? Did you consider  
13 the consequences of your actions? My guess is that you didn't.

14 You didn't consider Mr. Curtis, you befriended him  
15 and in return he provided you with transportation, assistance  
16 with moving money, food, friendship. You didn't shoot him, but  
17 you may have well done so. You outed him for potential of  
18 weapons, status, power. Lucky for him, he, too, survived.

19 Likewise, you didn't grab me. You didn't tie me up.  
20 You didn't lock me up, but you may as well done those things,  
21 you enabled all that; the power, money, status, they all drove  
22 you to this path.

23 Did you even think for a moment to ask yourself if  
24 this was the right thing to do or why? Perhaps you had a  
25 chance to think about that already or perhaps you're still

1 thinking about it. And maybe you do have an answer.

2 Hopefully, with this sentence here, you and others  
3 faced with similar circumstances will make a better decision in  
4 the future.

5 Thank you.

6 THE COURT: Thank you, Mr. Janssen.

7 MR. DUFFY: Your Honor, Colleen Janssen.

8 MS. JANSSEN: Good morning, Judge.

9 THE COURT: Good morning.

10 MS. JANSSEN: I, once again, I find myself in a  
11 position of believing that I don't know that I can say anything  
12 better to you than what my parents just said, so I'm going to  
13 take a moment to brag.

14 My parents are amazing people. My father has been my  
15 hero since I was a little kid and my mother became equally my  
16 hero during all of this and I could not be luckier. I  
17 shouldn't have ever had to consider how lucky I am to get up  
18 every morning and have both of them, although I should every  
19 day, we all should.

20 I would just ask you to -- when you hear arguments  
21 that this defendant did not do any of the things herself that  
22 caused so much physical harm to my father, she managed to do  
23 that because she ingratiated herself enough that she didn't  
24 have to get her own hands dirty and she got to send other  
25 people out and help them do it.

1           Please take that into account and hold her  
2           responsible as I know that you will during all of these  
3           sentencings and put her in the right place for having hurt my  
4           heros.

5           THE COURT: Thank you.

6           At this time I'll hear from Mr. Duffy on behalf of  
7           the United States.

8           MR. DUFFY: Thank you, Your Honor.

9           The defense argues that Shamieka Goodall, a/k/a Mieka  
10          Diva is somehow a victim in this case; that her need for  
11          acceptance somehow made her susceptible to gang manipulations.  
12          On page 8 of that psychological evaluation, she goes as far as  
13          blaming Jenna Martin for introducing her to the gang.

14          Your Honor, the facts which we presented as evidence  
15          make it abundantly clear that's a flat-out lie, the same she  
16          made to her evaluators are flat-out lies. Jenna Martin did not  
17          introduce her to gang members.

18          On page 5 and 6 of that evaluation, she indicates to  
19          the evaluator that she met Mr. Melton through a dating service  
20          in January of 2015. That's a lie. She also indicated she  
21          didn't learn that Mr. Melton was in prison until March of 2016;  
22          that's a flat-out lie, no two ways about it.

23          When you take the full measure of Shamieka Goodall's  
24          involvement in this gang, it's not a question of her seeking  
25          acceptance; that's not what she was doing. She was seeking

1 advancement. And she was willing to get that advancement at  
2 any price. Willing to do anything, even violence.

3 This fact was shown again, again, again, by  
4 indisputable facts. No suggestions the defense said that we  
5 might have proven this, we might have proven that. The facts  
6 speak for themselves.

7 It's indisputable at least by February 7th, 2014,  
8 Shamieka Goodall joined this gang. How do we know? Because  
9 she sent a picture of herself with Tianna Maynard to Mr.  
10 Melton. It was a picture of her sitting in the New Town Circle  
11 apartment where a couple months later Frank Janssen would be  
12 held in a small closet on the second floor.

13 Then we go on from February 7th. We know about this  
14 day, she's in the breadwinner lineup. How do we know? Fact.  
15 We know because we looked at the notebook Tianna had. She's  
16 listed in the breadwinner lineup. Nothing to do with Jenna  
17 Martin. Jenna Martin doesn't even know these people exist yet.  
18 She hasn't been called in to be a driver yet. That all  
19 happened in early April.

20 Go to February 10th, three days later, we got toll  
21 records where she's communicating with Dewayne Seymore a/k/a  
22 Shooter. So she's already branching out and talking to  
23 Shooter. This isn't someone meekly joining a gang in the  
24 breadwinner line several rungs below Maynard and just trying to  
25 fit in quietly. This is someone within days reaching out and

1 communicating with higher ranking male gang members.

2 February 16, 2014, we have a text message from Tianna  
3 Maynard to Roberts, the head of the male line of the gang in  
4 Atlanta, saying Diva needs to talk to you ASAP. Except they  
5 don't use ASAP, they use DG SAP because it's Don G.

6 A week later, February 23rd, Goodall sends photos of  
7 herself in negligees and whatnot directly to Mr. Melton. So so  
8 much for the chain of command. It has taken her two weeks to  
9 jump the chain and get direct communications with Melton.

10 Basically, she's not seeking acceptance; she's  
11 seeking advancement and she's going to get it quicker. That's  
12 February 23rd.

13 At least by February 24th, she starts to groom Curtis  
14 Parrott, Curtis Parrott was the victim in Covington who she met  
15 when she worked at a convenient store. How do we know at least  
16 February 21st she's grooming him as a potential victim down the  
17 line? Because he sends her a money-gram. We have it. It's  
18 Exhibit 178. And again, that's February 24th.

19 Then we go to March 1st, 2014. By this point, she's  
20 involved in money-grams. How do we know that? Western Union  
21 transfers. Because we introduced copies of the Western Union  
22 Transfers between Shamieka Goodall and Patricia Kramer. That's  
23 Exhibit 323 and 324.

24 Then we get a couple weeks later, March 9th through  
25 12, this is the Louisiana attempt. At some point in the

1 lead-up to the Louisiana attempt, there was some agreement for  
2 her to watch the children. How do we know? Because there's a  
3 text message. When it falls through, Shooter alerts the  
4 children that says Diva is bombing, instead of coming, because  
5 they can't use "C" because of the Crips, coming to get them.  
6 That's on March 10th.

7 March 11th, while Tianna is in the middle of this  
8 mission, they take time for a 23-minute phone call between  
9 Tianna and Shamieka Goodall. How do we know that? We know it  
10 because of records, Exhibit 413A, page 9.

11 Then we go to March 15th when they come back. At  
12 this point, they are trying to set up the High Point mission.  
13 When they thought it was some relative of Stephanie Curtis that  
14 they were going to kidnap, they were having trouble getting a  
15 car, a mess up, kept getting delayed. At this point we have a  
16 text message from Shamieka Goodall to Mr. Melton saying, Sorry  
17 I messed up the move. I never want to be the reason you're not  
18 coming home.

19 At this point it's abundantly clear she's in on the  
20 plans. If this was going to be a drug deal that she was  
21 helping them with, it wasn't going to let him get home. Some  
22 ill-conceived extortion plan that we all know is never going to  
23 work, but it was something he was going to try, Mr. Melton.

24 Couple days later we have Curtis Parrott. This is  
25 where you really start to understand the makeup of Shamieka



1 Goodall. She brings this guy in and starts having a romantic  
2 relationship with him. She goes out to his location, she  
3 starts to befriend him, she starts to groom him in a way. He  
4 doesn't understand that he's being set up as a target that she  
5 can use for potential advancement.

6 What happens on March 15th or thereabout? Well, we  
7 know what happens. She, along with two colleagues or gang  
8 members, go to the location, they rob him, he gets away, as  
9 he's running away, they shoot him in the back. He's knocked  
10 down, they bring him to the hospital.

11 I think it's very telling the e-mails -- or the text  
12 messages, not e-mails -- that she says to Roberts right after  
13 the shooting, this is at Exhibit 378A, page 55, again, this is  
14 a fact, there is no two ways about it, it's in black and white  
15 right here in the exhibit. How does she respond? This is it,  
16 I'll quote it. How bad was it? Shit. They just picked his  
17 ass up at 320. Pigs out and all right now. Donna GZ. And  
18 then she continues and says, Is he X'd out? This is a guy she  
19 had a relationship with. She's talking tough, using X'd out.

20 The next day the police come to talk to her. We  
21 heard the audio or portions of that interview where she's like,  
22 oh, my gosh, I can't believe he's hurt. I feel so bad for him.  
23 Can I visit him at the hospital? They talked to her. She  
24 basically is very polite. She talks to him about concern for  
25 this guy. As soon as they leave, what does she say to Clifton

1 Robert, again 378A, page 55, Books up, Yee, Yee is Clifford  
2 Roberts, the word on the dude he's in surgery now. Four  
3 investigators came up to where I worked. Then she indicates I  
4 already told Dizzy when it happens, I'll be the first person  
5 they come to. This is someone deeply involved in a gang and  
6 she's more than willing to put Curtis Parrot's life on the line  
7 if it's going to get her advancement.

8 Your Honor, that moves forward fairly quickly to  
9 March 31st, 2014. The text messages that she sends to Mr.  
10 Melton saying, Do you still need a driver? No two ways about  
11 it. She's setting up the driver, Jenna Martin, who's going to  
12 be used to kidnap Mr. Janssen. She's way more than a but-for  
13 person in this case. She's deeply involved in this gang and  
14 more than happy to commit violence if it's going to get her  
15 some chance of advancement.

16 April 1, 2014, she indicates to Mr. Melton, Soon I'll  
17 have you home to myself. At this point, she also in the --  
18 couple text messages down asks for a soul catcher, which we  
19 know now from the gang lingo is a gun.

20 Then we get late evening of April 4th, going into  
21 Saturday morning, April 5th, 2014, she allows the gang to stage  
22 at her Covington house, same thing they did before they went to  
23 get Parrott and shoot him in the back. She provides them with  
24 money. They have a conference call with Mr. Melton. They use  
25 the money to get gas, to get clothes, to buy zip ties, to get

1 food on the way over. They go ahead and kidnap Mr. Janssen  
2 late in the morning on Saturday, April 5, 2014.

3 On the way back, the location falls through. And if  
4 you look at her toll records and Mr. Melton's toll records,  
5 she, among many other people, were all about trying to find a  
6 backup location to put Mr. Janssen. Where is it? It ends up  
7 being at New Town Circle Apartment that she sent that picture  
8 to Mr. Melton or the one she was in with Tianna Maynard.

9 During the time that Mr. Melton is being --  
10 Mr. Janssen is being held, we have communications with Jenna  
11 Martin that she's on the text message with, also calls. And  
12 then the morning after Mr. Janssen is freed by the FBI, we have  
13 calls between Shooter or Dwayne Seymore and the defendant  
14 talking about what happened, who is arrested. This is a person  
15 deeply involved in gang life and fortitude of gang life.

16 The bottom line with regard to Shamieka Goodall is  
17 she is not a victim. She's a predator. And her MO, she looks  
18 for her opportunity, she exploits it, and she has no qualms  
19 about violence. We saw this with Curtis Parrott. That's the  
20 history, that's the circumstances of Ms. Goodall that you  
21 should take -- we would argue that you should take in mind when  
22 you're looking to fashion a sentence for her.

23 The nature and circumstances of the crime:  
24 Obviously, it's a heinous, violent crime. The impact on the  
25 family I can't say any better than Mr. Janssen. It's always

1 going to seem like this thing happened yesterday. It is going  
2 to be a life-defining moment. I'm just a prosecutor on the  
3 case, and I can't stop thinking about that moment. Whenever I  
4 see April 5th creep up, I know that's the day of the robbery.  
5 I know the date June 6th, that's the day we started the trial  
6 last year. It all falls in like that. It's like that for me  
7 and I was just a peripheral player.

8 As far as the seriousness of the crime, Your Honor,  
9 we would suggest to you that in addition to Mr. Janssen himself  
10 as you've seen again and again and again by support of the  
11 Janssens in attending his trial, testifying and allocuting,  
12 this thing hit their whole family, not just Mr. and  
13 Mrs. Janssen, but their children, their extended family, the  
14 family here that they have supporting them.

15 As far as the promote respect, that factor that we  
16 look at under 3553(a), I don't think it could be understated  
17 the impact this kind of case has on the criminal justice  
18 system. The way the criminal justice system works in this  
19 country, as we all know, is we have prosecutors and we have  
20 defense counsel and we do our job and then the jury speaks and  
21 then we listen to what the jury says and that's the verdict.  
22 We all live with it.

23 The impact that a case like this has is that  
24 prosecutors, defense attorneys, you know, this is the kind of  
25 case that they look at that makes them wonder maybe a little

1 bit about how do I do my job if they are going to start putting  
2 hits out on us? We are not that kind of country. We have a  
3 justice system that's firmly established. We are law and  
4 order. We have a jury system. The jury speaks and go by what  
5 the jury says.

6 Your Honor, as far as just punishment and how the  
7 defendant fits in with everybody else, every other defendant in  
8 this case, with the exception of Mr. Seymore, was looking at a  
9 guideline range of life. Everybody. Mr. Seymore wasn't, not  
10 because he wasn't a violent guy, but he was old enough to  
11 understand after Warren Robbins in January of 2014, he's like  
12 I'm not going to do what this guy on the phone says and do  
13 murders in broad daylight. He jumped off and tried to form his  
14 own line of gang, whatever subsect it was going to be. He was  
15 going to continue doing crime, but he separated himself from  
16 the gang. As a result, he didn't get the six-level enhancement  
17 for the victim. Every other person in this case faced life.  
18 Regardless of what their connection was to the case, some faced  
19 a little more than life if there was a gun charge.

20 The difference between the defendant and many of  
21 these people, she chose to go to trial and not cooperate.  
22 That's why those other people got less than life.

23 Your Honor, at the end of the day, with regard to  
24 Shamieka Goodall, it's the Government's position and one of the  
25 facts we look at is protecting the public interest, I believe

1 she's a predator, I think she's dangerous, I think she's  
2 manipulative. You just have to look at Curtis Parrott to  
3 really understand a lot about this woman.

4 As a result, Your Honor, we think the guideline range  
5 in this case of life is warranted and request a sentence of  
6 life.

7 Thank you, Your Honor.

8 THE COURT: Mr. Chetson?

9 MR. CHETSON: I don't have anything further, Your  
10 Honor.

11 THE COURT: Thank you.

12 Ms. Goodall, the Court recognizes its obligation to  
13 impose a sentence sufficient, but not greater than necessary,  
14 to comply with the purposes set forth in the statute.

15 I have considered all arguments that your lawyers  
16 have made both here in court and in the sentencing memorandum  
17 they submitted. I have considered the position of the United  
18 States. I have considered the advisory guideline range.

19 Among other things, I'm to consider the nature and  
20 circumstances of the offense and the history and  
21 characteristics of the defendant; the need for the sentence  
22 imposed to reflect the seriousness of the offense, to promote  
23 respect for the law and provide just punishment.

24 The need for the sentence imposed to deter others who  
25 might chose to engage in the criminal behavior that brings you

1 here; the need for the sentence imposed to protect the public  
2 from further crime by you; the need for the sentence imposed to  
3 provide you with needed educational, vocational training or  
4 medical care in the most effective manner; the need to avoid  
5 unwarranted sentencing disparities.

6 The Court has considered all the other factors listed  
7 in the statute, although I won't mention each one individually.

8 As for the nature and circumstances of the offense,  
9 the jury convicted you of two offenses: Conspiracy to commit  
10 violations of the kidnapping statute and kidnapping and aiding  
11 and abetting. The crimes in your criminal conduct in  
12 participating in the crimes were horrific.

13 The report recounts and referred both in the trial  
14 and today during argument the horrific nature of the kidnapping  
15 plot that you participated in in connection with kidnapping  
16 Mr. Janssen with the goal of getting Mr. Melton released from  
17 prison so that you could be more than his "wifey," which my  
18 memory is what he had you listed as on his phone, so that you  
19 can be together as part of the gang.

20 Mr. Janssen was viciously abducted from his home by  
21 the four people who went there, including Jenna Martin who you  
22 recruited into the kidnapping plot. They staged at your  
23 residence in Covington and you provided \$200 to them which they  
24 used for food and travel expenses to get to Wake Forest in  
25 order to kidnap Mr. Janssen.

1           You, I think the evidence shows, were involved in  
2 phone communications trying to find a different spot to hold  
3 Mr. Janssen. You absolutely knew it was a kidnapping. You  
4 were all in once you got into this gang. You were very  
5 cognizant of the New Town Apartment having lived there for a  
6 time with Ms. Maynard in early February, 2014.

7           The report recounts the events moving forward,  
8 including the plot in Louisiana where you're on the phone with  
9 Maynard during the course of that. I recognize that the jury  
10 didn't find that for purposes of an object, but I think it's  
11 ludicrous to think that you didn't know exactly what Maynard  
12 was doing in Louisiana when you were on the phone for 20  
13 minutes during that plot.

14           You set up Mr. Curtis Parrott and participated in  
15 that vicious attack and assault as part of gang life and to get  
16 guns, to further the interest of the gang using the same modus  
17 operandi. Miraculously he survived after being shot in the  
18 back.

19           You did get interviewed by the police and they did  
20 release you, but you were in immediate text communications with  
21 your fellow gang members and that didn't slow you down because  
22 those events all preceded the kidnapping conspiracy  
23 leading to Mr. Janssen's abduction where, again, you assisted  
24 in providing money, staging, and then finding a different  
25 location and then in constant communication during and after



1 it, you knew full well everything.

2 As for your history and characteristics, I have read  
3 the report. I do think it's fair to say there were some  
4 inaccuracies in terms of the information that the psychologist  
5 received from you about your relationship with certain people,  
6 but I do recognize, as Mr. Chetson pointed out in his memo, the  
7 hardship that you endured as a child with your biological  
8 mother and notwithstanding the efforts of your adopted mother,  
9 your inability to get along with her and then you're ultimately  
10 leaving and looking for some sense of belonging and not just  
11 belonging at some low level, but to be a gang wife to the  
12 founder, Mr. Melton, was an important thing to you for whatever  
13 reason.

14 I do think it's important that the sentence promote  
15 respect for law. This is a crime that I think strikes at the  
16 very heart of our justice system, both with respect to  
17 prosecutors and defense lawyers and the justice system in  
18 general, an attack essentially on the rule of law that you were  
19 very comfortable participating in is an attack that needs to be  
20 punished and it will be today.

21 I have taken into account the sentences of others.  
22 Others did cooperate. These principles have been discussed  
23 before, again, in a kidnapping case *U.S. v. Acevedo*, 824 F.3d  
24 179, 186 (2nd Cir. 2017) noted issues associated with the  
25 difference of those who cooperate and that being something that

1 makes disparities not unwarranted.

2 Here, I don't think you're similarly situated with  
3 the others. I think you were at a sufficiently high level  
4 given your relationship with Melton; that you didn't have to go  
5 do all these things, but that you were all in. You were all in  
6 and all about it. And I reject any suggestion otherwise. You  
7 wanted him home to be with you and were going to do whatever it  
8 took and have him endure whatever he had to endure to make that  
9 happen. And I don't think there is an unwarranted sentencing  
10 disparity between the sentence you will receive today and the  
11 sentence that others have received.

12 I do think -- and I read the studies, I'm very  
13 familiar with them, on topics of general deterrence; and here,  
14 I do think specific deterrence is critical.

15 I think Ms. Goodall is accurately described as a  
16 predator, someone who needs to be incarcerated and society  
17 needs to be protected from today and will be in light of the  
18 horrific nature of her criminal behavior, the need to provide  
19 just punishment, the need to promote respect for the law, the  
20 need to be incapacitated.

21 Having fully considered the entire record of the  
22 case, pursuant to the Sentencing Reform Act of 1984 and in  
23 accordance with the Supreme Court decision of *United States v.*  
24 *Booker*, it's the judgment of the Court that defendant, Shamieka  
25 Goodall, is hereby committed to the custody of Bureau of

1 Prisons to be imprisoned for a term of life on each count to be  
2 served concurrently.

3           Upon release from imprisonment, the defendant shall  
4 be placed on supervised release for five years. This term  
5 consists of five years on Count 1 and five years on Count 3 to  
6 run concurrently.

7           Furthermore, she shall comply with the mandatory and  
8 standard conditions as well as the following additional  
9 condition:

10           She'll participate in a narcotic addiction treatment  
11 program, mental health treatment program, consent to a  
12 warrantless search, cooperate in the collection of DNA. She'll  
13 pay a special assessment of \$200, which shall be due  
14 immediately. If she can't pay immediately, she'll pay through  
15 the Inmate Financial Responsibility Program in the amount of  
16 \$25 per quarter. I'm not going to impose a fine.

17           In accordance with counsel's request, I recommend  
18 that she serve her sentence in the southeast United States. I  
19 recommend that she be kept separate from all other  
20 co-defendants within the Bureau of Prisons. I recommend  
21 intensive substance abuse treatment. I recommend mental health  
22 treatment. I recommend vocational and educational  
23 opportunities.

24           I do think I properly calculated the advisory  
25 guideline range. I announce pursuant to *U.S. v. Gomez-Jimenez*,

1 750 F.3d 370 (4th Cir. 2014) and *U.S. v. Hargrove*, 701 F.3d 156  
2 (4th Cir. 2012), that I'd impose the same sentence as an  
3 alternative variant sentence if I have miscalculated the  
4 advisory guideline range.

5 This is the sentence that is sufficient but not  
6 greater than necessary for Shamieka Goodall.

7 Ms. Goodall, you can appeal your conviction if you  
8 believe that your conviction was somehow unlawful or if there's  
9 some other fundamental defect in the proceeding.

10 You also have a statutory right to appeal your  
11 sentence under certain circumstances, particularly if you think  
12 your sentence is contrary to law.

13 With few exceptions, any Notice of Appeal must be  
14 filed within 14 days of the judgment being entered on the  
15 docket in your case.

16 If you're unable to pay the cost of an appeal, you  
17 may apply for leave to appeal in forma pauperis.

18 If you so request, the Clerk of Court will prepare  
19 and file a Notice of Appeal on your behalf.

20 Mr. Chetson, I think I made all the recommendations  
21 you asked for. Were there any others?

22 MR. CHETSON: No, Your Honor.

23 THE COURT: Anything else from the United States?

24 MR. DUFFY: No, Your Honor.

25 THE COURT: I thank counsel for their work here

1 today. That will conclude the matter with Ms. Goodall.

2 (The proceedings were recessed at 10:48 a.m.)

1 UNITED STATE DISTRICT COURT  
2 EASTERN DISTRICT OF NORTH CAROLINA  
3  
4

5 CERTIFICATE OF OFFICIAL REPORTER

6 I, Amy M. Condon, RPR, CSR, Federal Official Court Reporter, in  
7 and for the United States District Court for the Eastern  
8 District of North Carolina, do hereby certify that pursuant to  
9 Section 753, Title 28, United States Code, that the foregoing  
10 is a true and correct transcript of the stenographically  
11 reported proceedings held in the above-entitled matter and that  
12 the transcript page format is in conformance with the  
13 regulations of the Judicial Conference of the United States.  
14

15 Dated this 6th day of October, 2017.  
16  
17

18 /s/ Amy M. Condon  
19 Amy M. Condon, CSR, RPR  
20 U.S. Official Court Reporter  
21  
22  
23  
24  
25